

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Cynthia McFadden,) Civil Action No. 3:22-1101-JFA
)
Plaintiff,)
)
vs.) **NOTICE OF REMOVAL**
)
Walmart Inc. and Wal-Mart Stores)
East, LP,)
)
Defendants.)
)

The defendants, Walmart Inc. and Wal-Mart Stores East, LP, by and through the undersigned attorneys, file the Notice of Removal of the above-entitled action from the Court of Common Pleas for Richland County, State of South Carolina, to the United States District Court for the District of South Carolina, pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, on the following grounds:

1. The above-entitled action was instituted by the plaintiff against the defendants, by the service of a Summons and Complaint on March 7, 2022, and this action is now pending in the Court of Common Pleas for Richland County, State of South Carolina, being Civil Action No. 2022-CP-40-01148.

2. At the time of the commencement of the action, the plaintiff, upon information and belief, was and still is a citizen and resident of the County of Richland, State of South Carolina.

3. The defendant, Walmart Inc., was at the time of the commencement of the action and still is a publicly traded Delaware Corporation with its principal place of business in

the State of Arkansas. The defendant, Wal-Mart Stores East, LP, was at the time of the commencement of the action and still is a Delaware limited partnership with its principal place of business in Arkansas. The partners of Wal-Mart Stores East, L.P. are WSE Management, LLC (general partner), and WSE Investment, LLC (limited partner). Both are Delaware limited liability companies with their principal places of business in Arkansas. The sole member of both WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, which is an Arkansas limited liability company with its principal place of business in Arkansas. Wal-Mart Stores East, LLC is a wholly owned subsidiary of the defendant, Walmart, Inc.

4. This action is of a civil nature and involves a controversy that is wholly between citizens of different states and the value of the matter in dispute in said cause is believed to exceed the sum of Seventy-Five Thousand and 00/100ths (\$75,000.00) Dollars, exclusive of interest and costs. In making this assessment, the undersigned counsel would state that the plaintiff has alleged damages for great physical harm and bodily injury including past, present and future pain and suffering, medical expenses, mental anguish, and permanent impairment. Furthermore, plaintiff's counsel has previously alleged that the plaintiff's medical bills exceed Three Hundred Thousand and 00/100ths (\$300,000.00) Dollars. Therefore, the defendants respectfully believe the jurisdictional threshold is established. Based on this information, said action, upon information and belief, is one over which the District Court of the United States has original jurisdiction.

5. Defendants file together with this Notice a copy of all process, pleadings, and orders served upon them in this action in compliance with Rule 11 of the Federal Rules of Civil Procedure.

6. Defendants have provided a copy of the Notice of Removal to the Clerk of Court for Richland County.

7. Defendants, pursuant to 28 U.S.C. §1446(d), shall promptly give written notice of removal to all adverse parties and shall file a copy of the Notice with the Clerk of Court, Richland County, South Carolina.

8. Removing defendants are filing this Notice solely by reason of the requirements of 28 U.S.C. § 1446 and this Notice has been timely filed pursuant to 28 U.S.C. § 1446(b).

9. Defendants reserve all defenses, including, but not limited to, those under Rule 12(b) of the Federal Rules of Civil Procedure, and do not waive said defenses by the filing of this Notice to all adverse parties.

Respectfully submitted,

ROBINSON GRAY STEPP & LAFFITTE, L.L.C.

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Attorneys for defendants, Walmart Inc. and Wal-Mart Stores East, LP

Columbia, South Carolina

April 6, 2022

CERTIFICATE OF SERVICE

I, the undersigned legal assistant of the law offices of Robinson Gray Stepp & Laffitte, L.L.C., attorneys for Defendants, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Defendants' Notice of Removal

Counsel Served:

Mark B. Stanley, Esquire
H. Ronald Stanley, Esquire
Breon C.M. Walker, Esquire
Stanley Law Group
Post Office Box 7722
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Sharon Whitehead
Legal Assistant

Columbia, South Carolina

April 6, 2022